

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

LINDA TAYLOR,)	
)	
Plaintiff)	
)	
v.)	No. 4:04-cv-100
)	
JO ANNE B. BARNHART,)	
Commissioner of)	
Social Security,)	
)	
Defendant)	

MEMORANDUM AND ORDER

This matter was referred to a United States magistrate judge of this district pursuant to 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure, for a report and recommendation regarding plaintiff's motion for summary judgment [Court File #18] and defendant's motion for summary judgment [Court File #20]. In a report and recommendation dated February 8, 2006, the United States magistrate judge recommended that plaintiff's motion be denied and defendant's motion be granted. Plaintiff has filed a timely objection to the report and recommendation.

Upon a *de novo* review of the record in this case, the magistrate judge's report and recommendation, and the plaintiff's objections thereto, I am in agreement with the United States magistrate judge. Specifically, there is substantial evidence in the record to support the conclusion that plaintiff's past relevant work as a sales clerk and as a shipping/order clerk is not precluded by her residual functional capacity. The record demonstrates that the administrative law judge weighed the evidence and reasonably concluded that plaintiff retains the residual functional capacity to perform light work.

In light of the foregoing, it is hereby ORDERED that the magistrate judge's report and recommendation [Court File #22] is ACCEPTED IN WHOLE, whereby plaintiff's motion for summary judgment [Court File #18] is DENIED; defendant's motion for summary judgment [Court File #20] is GRANTED; and the final decision of the defendant Secretary is AFFIRMED.

ENTER :

s/ James H. Jarvis
UNITED STATES DISTRICT JUDGE